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CASCHERA, ANTONIO A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,276	Applicant(s) OHKAWA, TOMOKI	
	Examiner Antonio A. Caschera	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities:

- a. The phrase, "...and the input drawing static information section to..." (see lines 14-15 of claim 1, for example) should be changed to, "...and the input drawing static information to..." since the drawing information is being combined in the image combining section.

Appropriate correction is required.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

With reference to the claim language of claim 10, this claim comprises the claim language, "computer-readable medium" which the specification fails to provide proper antecedent basis for. The specification does clearly define the term, "storage medium" (see paragraphs 23-25 of the specification) with context to storing image data however the explicitly

used language of the claim is nowhere to be found in the specification and thus is not provided with proper antecedent basis. Note, Applicant's specification does limit the term "storage medium" to "a hard disk or a magneto-optical recording medium" (see paragraph 23 of the specification) which can reasonably lead one of ordinary skill in the art to equate the computer-medium to a statutory storage medium and further since there no mentioning of a wave, carrier signal, network or Internet type language in the claim as it pertains to the processing program. Therefore an applicable 35 USC 101 rejection is not valid in this case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prandoni et al. (U.S. Patent 7,042,493) in view of Tam et al. (U.S. Patent 5,754,186).

In reference to claim 1, Prandoni et al. discloses a video processing apparatus (see column 1, lines 44-58 and Figure 1) comprising:

a video input section to which a video data comprising a plurality of frame images is input (see column 2, lines 9-14 and #101 and "video" of Figure #1 wherein Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence. The Office interprets the background-foreground extraction module

functionally equivalent to the video input section since data as described in the claims is received by this module of Prandoni et al.)

a drawing input section to which a drawn input image is input;

an image control section that periodically cuts out a selected image as static image information from the frame images at intervals of predetermined time (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscopic sequence. Prandoni et al. further discloses such extraction to occur based upon a number of “triggered” events one being time-based triggering where foreground features are extracted at fixed time intervals, say every t seconds or as per user-defined triggering events.) *and periodically extracts the drawn input image as input drawing static information at intervals of the predetermined time;*

an image information storage section that stores the static image information (see column 5, lines 20-23 wherein Prandoni et al. claims a computer performing the methods of the invention. Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of memory for storing, at least temporarily, the foreground/background extracted images/objects since Prandoni et al. discloses explicit manipulation of such information which would require at least temporary storage of the data.) *and the input drawing static information;*

an image combining section that combines the static image information *and the input drawing static information* to create combined image information (see column 3, lines 15-41 and

Figure 1 wherein Prandoni et al. discloses a synthesis module that combines selected foreground features and background visual information into a composite image); and

an image drawing section that outputs the combined image information (see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composite images) and;

a display section that display the combined image information (see column 2, lines 38-42 and #130 of Figure 1 wherein Prandoni et al. discloses a rendering module transforming data suitable for display on a video device),

wherein the predetermined time is set to be greater than or equal to a processing time of the drawing processing apparatus, said processing time being a duration starting from a time when the selected image is cut out to a time when the combined image information is displayed on the display section (see column 3, lines 3-4, 11-13 and 62-67 wherein Prandoni et al. discloses extraction to occur based upon a number of “triggered” events one being time-based triggering and another being user-defined where foreground features are extracted at fixed time intervals, say every t seconds and as per a user’s involvement clicking on image frames. Prandoni et al. further discloses the video sequence being rendered when the triggering events are reached. Therefore, the Office interprets the above mentioned “ t ” seconds or user-defined triggering events of Prandoni et al. at least greater than or equal to the processing of the image data or more particularly, the time from when an image is selected via a user-define trigger event and to the time that a composite image is rendered/displayed.).

Prandoni et al. does not explicitly disclose extracting input drawing static information from a drawn input image every predetermined time. Tam et al. discloses a method and

apparatus for blending of first and second images loaded into corresponding VRAM buffers (see column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer system which includes a writing device such as a pen or stylus that allows the user to write on the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al. discloses the pen or stylus input data, comprising the x,y coordinates of pixel data over which the stylus has been positioned, being received by the CPU (see column 6, lines 47-54) which the Office interprets functionally equivalent to the drawing input section. Tam et al. discloses “extracting” drawing information from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the Office interprets that the drawing information of Tam et al. is extracted every predetermined time since Tam et al. discloses performing pen process drawing when a pen input is received (see column 7, lines 26-27). In other words, the received pen input establishes the every predetermined time in Tam et al. which is consistent with the teachings of Prandoni et al., whom teaches performing image extraction based upon user-defined triggering events (i.e. user clicks of the mouse) (see above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.). (see *Response to Arguments* below)

In reference to claim 4, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscopic sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composited images (see columns 3-4, lines 42-14 and Figure 1), the rendering module seen as providing equivalent functionality as Applicant's moving image reproducing section. Prandoni et al. claims a computer performing the methods of the invention (see column 5, lines 20-23). Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of memory or moving image storage section for storing, at least temporarily, the rendered/output video stroboscoped sequences.

In reference to claim 5, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscopic sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composited images (see columns 3-4, lines 42-14 and Figure 1). Tam et al. discloses the pen or stylus creating "strokes" which comprise of engagement and disengagement points and position data in between these points representing the tracking motion of the stylus as it moves across the screen (see column 1, lines 49-62). Note, the Office interprets such "strokes" defined in a functionally equivalent format to

a vector type of Applicant's claim. Tam et al. discloses "extracting" such drawing information, "strokes," from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.).

In reference to claim 6, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 5 above. Tam et al. discloses "stroke" data comprising coordinate data (see column 6, lines 49-54), width data and grayscale intensity data (see column 8, lines 16-21). Note, the Office interprets that the "points count" limitation of Applicant's claim is inherently found within the "stroke" data of Tam et al. since Tam et al. discloses the "stroke" data comprising coordinate and width data, which the Office interprets as inherently comprising a "points count." It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.).

In reference to claim 7, claim 7 is equivalent in scope to claim 1 and is therefore rejected under similar rationale. Further, it is noted that claim 7 recites a method type claim, the steps of the method as claimed are disclosed by the above recited teachings of the combination of Prandoni et al. and Tam et al.

In reference to claim 10, claim 10 is equivalent in scope to claim 1 and is therefore rejected under similar rationale. Further, it is noted that claim 10 recites a computer-readable medium/program type claim, the steps of the program executed by the computer as claimed are disclosed by the above recited teachings of the combination of Prandoni et al. and Tam et al. Prandoni et al. claims a computer performing the methods of the invention (see column 5, lines 20-23). Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some type of memory or medium for storing instructions/programs to execute or perform tasks.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prandoni et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186) and further in view of Seedholm, Peter. "Print Screen Button Tutorial." (<http://www.ibiblio.org/virtualcell/Tutor1/TandR/prtsr.html>).

In reference to claims 3 and 9, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claims 1 and 7 respectively above. Prandoni et al. claims a computer performing the methods of the invention (see column 5, lines 20-23) which the Office interprets as inherently comprising a keyboard providing some sort of input to the invention. Neither Prandoni et al. nor Tam et al. explicitly disclose the image drawing section having a function of capturing the combined image using a screen capture signal by an image capture operation of a user. Seedholm discloses a tutorial for capturing and pasting a displayed screen of data using the

print screen button on a keyboard (see steps 1-6 of Seedholm). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the print screen display screen capturing techniques of Seedholm with the pen/stylus and video based image combining techniques of Tam et al. and foreground/background image data processing techniques of Prandoni et al. in order to capture the current displayed image on a display monitor and further process the image by i.e. pasting it into another program/application, transmitting it over a network medium, saving it to a computer medium etc.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prandoni et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186) and further in view of Dempski et al. (U.S. Publication 2004/0155902 A1).

In reference to claim 11, Prandoni et al. discloses a video processing apparatus (see column 1, lines 44-58 and Figure 1) *teleconference system in which a plurality of participant terminals which participate in a conference are connected through a communication line*, wherein a drawing processing apparatus comprises:

a video input section to which a video data comprising a plurality of frame images is input (see column 2, lines 9-14 and #101 and "video" of Figure #1 wherein Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence. The Office interprets the background-foreground extraction module functionally equivalent to the video input section since data as described in the claims is received by this module of Prandoni et al.)

a drawing input section to which a drawn input image is input;

an image control section that periodically cuts out a selected image as static image information from the frame images at intervals of predetermined time (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscopic sequence. Prandoni et al. further discloses such extraction to occur based upon a number of “triggered” events one being time-based triggering where foreground features are extracted at fixed time intervals, say every t seconds or as per user-defined triggering events.) *and periodically extracts the drawn input image as input drawing static information at intervals of the predetermined time;*

an image information storage section that stores the static image information (see column 5, lines 20-23 wherein Prandoni et al. claims a computer performing the methods of the invention. Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of memory for storing, at least temporarily, the foreground/background extracted images/objects since Prandoni et al. discloses explicit manipulation of such information which would require at least temporary storage of the data.) *and the input drawing static information;*

an image combining section that combines the static image information *and the input drawing static information* to create combined image information (see column 3, lines 15-41 and Figure 1 wherein Prandoni et al. discloses a synthesis module that combines selected foreground features and background visual information into a composite image); and

an image drawing section that outputs the combined image information (see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composite images) and;

a display section that display the combined image information (see column 2, lines 38-42 and #130 of Figure 1 wherein Prandoni et al. discloses a rendering module transforming data suitable for display on a video device),

wherein the predetermined time is set to be greater than or equal to a processing time of the drawing processing apparatus, said processing time being a duration starting from a time when the selected image is cut out to a time when the combined image information is displayed on the display section (see column 3, lines 3-4, 11-13 and 62-67 wherein Prandoni et al. discloses extraction to occur based upon a number of “triggered” events one being time-based triggering and another being user-defined where foreground features are extracted at fixed time intervals, say every t seconds and as per a user’s involvement clicking on image frames. Prandoni et al. further discloses the video sequence being rendered when the triggering events are reached. Therefore, the Office interprets the above mentioned “ t ” seconds or user-defined triggering events of Prandoni et al. at least greater than or equal to the processing of the image data or more particularly, the time from when an image is selected via a user-define trigger event and to the time that a composite image is rendered/displayed.).

Prandoni et al. does not explicitly disclose extracting input drawing static information from a drawn input image every predetermined time. Tam et al. discloses a method and apparatus for blending of first and second images loaded into corresponding VRAM buffers (see column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer

system which includes a writing device such as a pen or stylus that allows the user to write on the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al. discloses the pen or stylus input data, comprising the x,y coordinates of pixel data over which the stylus has been positioned, being received by the CPU (see column 6, lines 47-54) which the Office interprets functionally equivalent to the drawing input section. Tam et al. discloses “extracting” drawing information from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the Office interprets that the drawing information of Tam et al. is extracted every predetermined time since Tam et al. discloses performing pen process drawing when a pen input is received (see column 7, lines 26-27). In other words, the received pen input establishes the every predetermined time in Tam et al. which is consistent with the teachings of Prandoni et al., whom teaches performing image extraction based upon user-defined triggering events (i.e. user clicks of the mouse) (see above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.). Neither Prandoni et al. nor Tam et al. explicitly disclose their image data processing techniques within a teleconferencing environment however Dempski et al. does. Dempski et al. discloses a computer system in a teleconferencing environment for superimposing a computer-generated image onto a video image or vice versa

(see paragraphs 5 and 11 of Dempski et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teleconference superimposing techniques of Dempski et al with the pen/stylus and video based image combining techniques of Tam et al. and foreground/background image data processing techniques of Prandoni et al. in order to allow multiple users to view, manipulate, and share real-time data in a teleconferencing environment making it easier to communicate to users in remote locations (see paragraphs 2-3 of Dempski et al.).

Response to Arguments

7. The cancellation of claim 12 is noted.

8. Applicant's arguments filed 12/21/07 have been fully considered but they are not persuasive.

In reference to claims 1, 3-7 and 9-11, Applicant argues that neither of the applied references teach the limitation of the predetermined time set greater than or equal to a processing time of the drawing processing apparatus, said processing time being a duration starting from a time when the selected image is cut out to a time when the combined image information is displayed on the display section (see pages 8-9 of Applicant's Remarks). Also, Applicant further argues Examiner's interpretation of Tam et al. as per the "predetermined time" limitation of the claims (see page 9, 3rd paragraph of Applicant's Remarks)..

In response, the Office disagrees and points to the above rejection of the claims. The Office had previously cited column 3, lines 11-14 of Prandoni et al. wherein alternate to the time-based triggering of image extraction, a user-defined triggering is disclosed whereby a user

initiates the extracting of image data via a mouse click. The Office has interpreted the time between when an extraction via user interaction has been initiated to the time the composite image is rendered and output via the rendering module of Prandoni et al, equivalent to the predetermined time as further defined by the amendments to the claims.

Further, as per Applicant's arguments versus the interpretation of Tam et al., the Office states that the combination of Prandoni et al. and Tam et al. disclose the "predetermined time" as it applies to both image extraction and drawing information as claimed since Prandoni et al. discloses extraction to occur based upon a number of "triggered" events one being time-based triggering and another being user-defined where foreground features are extracted at fixed time intervals, say every t seconds and as per a user's involvement clicking on image frames and further discloses the video sequence being rendered when the triggering events are reached. Tam et al. discloses performing pen process drawing when a pen input is received (see column 7, lines 26-27). In other words, the received pen input establishes the every predetermined time in Tam et al. which is consistent with the teachings of Prandoni et al., whom teaches performing image extraction based upon user-defined triggering events (i.e. user clicks of the mouse). Therefore, the combination of Prandoni et al. and Tam et al. disclose the "predetermined time" as it applies to both image extraction and drawing information as claimed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac



2/19/08

Antonio Caschera
Patent Examiner



KEE M. TUNG
SUPERVISORY PATENT EXAMINER